

FEB 16 2007



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ON PETITION

In re Application of  
Hope, John  
Application No. 10/659,636  
Filed: September 8, 2003  
Attorney Docket No. HOPE-2

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 25, 2006, to revive the above-identified application. The Office regrets the delay in acting on the instant petition.

The petition is DISMISSED.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.<sup>1</sup>

The instant petition still lacks item (2). The petition fee has still not been submitted with the instant petition. \$750.00 was charged to Deposit Account No. 19-2814 on January 26, 2006, but was later voided out of the USPTO finance system, as that deposit account is associated with the law firm Snell & Wilmer, L.L.P. Authorization to charge the petition fee to that deposit account

<sup>1</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

<sup>2</sup> See MPEP 711.03(e)(II)(C) and (D).

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is not found in the instant petition. Accordingly, petitioner must submit the petition fee to revive in the instant application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS  
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By hand: Customer Window located at:  
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401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

*Liana Walsh*  
Liana Walsh  
Petitions Examiner  
Office of Petitions